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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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EXAMINER

BURD, KEVIN MICHAEL

ART UNIT

PAPER NUMBER

2631

DATE MAILED: 05/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/805,590

Applicant(s)
SANTHOFF ET AL

Examiner
Kevin M. Burd

Art Unit
2631



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Oct 15, 2001
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: ☐ approved ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4 20) ☐ Other: _____

Art Unit: 2631

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 2 recites the limitation "the pulse train" in line 2. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 4 recites the limitations "the step of partitioning" and "the steps of placing" in lines 2 and 5 respectively. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2631

6. Claims 1, 3-6, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Smischny (US 5,166,890).

Regarding claims 1, 3-5, 9 and 10, Smischny discloses an error detection system and method which detects errors in a received data transmission. DS-1 signals are transmitted as a bipolar bit stream in which the polarity of succeeding pulse is reversed so that the ONE's of the stream alternate as positive or negative levels about the ZERO level (column 1, lines 30-35). Each time successive pulses in the digital signal are of the same polarity, the monitor produces a logic level signal because it is assumed that this detected situation arises due to external events such as noise operating on the signal (column 1, lines 39-47). When two ONE's are to be transmitted, a positive pulse and a negative pulse are transmitted. If two successive pulses of the same polarity are received, an error is detected since the comparison between the two pulses yields an unsatisfactory result. A bipolar violation is shown in figure 2. The pulses of figure 2 have the same pulse width and amplitude and appear in appropriate "timing windows".

Regarding claim 6, when an error occurs, it is counted and stored (abstract)..

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2631

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smischny (US 5,166,890) in view of Trotter (US 5,862,141).

Regarding claims 2, 7 and 8, Smischny discloses the method and system stated above. However, Smischny does not disclose using the number of calculated errors to determine how the errors will be corrected. Trotter discloses using conventional error correction methods that are well known in the art to eliminate errors in a data transmission but for high error rates, these methods may not be sufficient. In this case, the data will have to be retransmitted (column 1, lines 28-47). This is advantageous since it avoids time consuming data retransmission when only a few errors are present and can be corrected by well known methods. It would have been obvious for one of ordinary skill in the art at the time of the invention to use the method of error correction of Trotter in the method and system of data transmission of Smischny. The stored representation of errors allow either data correction or retransmission to take place depending on that number of errors present.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Murano (US 6,163,873) discloses an error correction method in

Art Unit: 2631

which error correction codes and retransmissions are used depending on the number of errors measured (column 1, lines 30-37).

Contact Information

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
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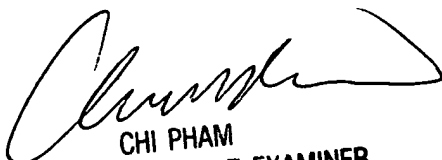
or faxed to:


(703) 872-9314, (for formal communications intended for entry or for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Burd, whose telephone number is (703) 308-7034. The Examiner can normally be reached on Monday-Thursday from 9:00 AM - 5:00 PM. The examiner can also be reached on alternate Friday.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3800.


CHI PHAM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600 5/1/02


Kevin M. Burd
PATENT EXAMINER
April 29, 2002